

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.13428 of 1999

04-08-2005

BETWEEN

1. K. Kamalamma W/o Munuswamy, aged about 55 years,
r/o Dalawai, Kummara Street, Agraharam, Satyaveedu Post and
Mandal, Chittoor District and another.

PETITIONERS

AND

1. The Commissioner of B.C.Welfare, A.P. Hyderabad and 5 others.

RESPONDENTS

THE HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.13428 of 1999

ORDER: -

This writ petition is filed questioning the order dated 18-06-1999 passed by District Social Welfare Officer, Chittoor.

2. The petitioners claim to be the owners of the building bearing H.Nos.14/135 and 14/140 situated at Dalvai Agraharam, Kummara Street, Satyaveedu Village and

Mandal, Chittoor District. Initially the said building was taken by the fourth respondent on a monthly rent of Rs.500/- to locate Backward Class Welfare Hostel. Subsequently, when it was found that the facilities available in the said building were not adequate, and basing on the report of Assistant B.C. Welfare Officer, Srikalahasti, the District Collector, Chittoor passed an order dated 09-04-1999 in Roc.No.D/23/86, wherein, decision was taken to shift the hostel from the existing building to another private building owned by the fifth respondent. As against the same, the petitioners represented to the Commissioner, B.C. Welfare. Pending consideration of his representation interim orders were issued. Based on such interim orders, for some time the Hostel was continued in the existing premises. When the interim orders were subsequently vacated, consequently the impugned orders were passed by the District B.C. Welfare Officer, Chittoor, intimating the petitioners for vacation of the Hostel from the existing premises.

3. It is the case of the petitioners that the building owned by them is spacious and located in an extent of Ac.0-10 ½ cents. It is also stated that the new building, which was constructed, is in a small area i.e. Ac.0-03 ½ cents. As such, the petitioners' case is that even though their building is suitable but however, because of the sixth respondent M.L.A., only, the decision is taken to shift the building.

4. A counter affidavit is filed on behalf of the respondents 1 to 4 in which it is stated that the present building in which B.C. Boys hostel is located has become unfit. It is also stated that the Assistant B.C. Welfare Officer, Srikalahasthi and Warden, In-charge of the Hostel reported that there are no adequate facilities in the existing building and as such decision was taken.

5. With regard to the location of the building, it is for the respondents to decide which is a suitable building, having regard to the requirement and facilities available. Even assuming that there is a breach of agreement entered into there is no ground on which the petitioners can invoke the jurisdiction of this Court under Article 226 of the Constitution of India. Though it is a case of the petitioners that the decision to shift the premises is taken at the instance of the sixth respondent, but, however, in the

counter affidavit filed by the respondents it is clearly stated that the decision to shift the building was on the ground that there are adequate facilities in the said building, where the Hostel is located. In that view of the matter, I do not find any merit in this writ petition.

6. Accordingly, the writ petition is dismissed. No order as to costs.

JUSTICE R.SUBHASH REDDY

Dt.04-08-2005

GLV

